

CR - 08 00472 PVT

No.

FILED

UNITED STATES DISTRICT COURT

2008 JUL 16 A 4:21

E-FILING

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

YONG YI OU

INDICTMENT

COUNTS ONE-THREE:

18 U.S.C. § 2320(a) - Trafficking in Counterfeit Goods

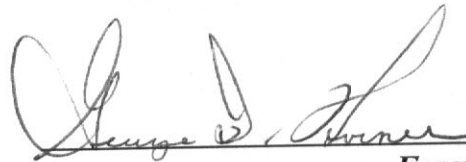
COUNTS FOUR-TWENTY:

18 U.S.C. § 2320(a) - Attempted Trafficking in Counterfeit Goods

COUNT TWENTY-ONE:

18 U.S.C. § 1956(a)(2)(A) - Laundering of Monetary Instruments

A true bill.



Foreperson

Filed in open court this 16 day of July

A.D. 2008

United States Magistrate Judge

Bail. \$ Summons for Aug 7, 2008 at 9:30 (PVT)

DOCUMENT NO.	CSA's INITIALS
1	
DISTRICT COURT CRIMINAL CASE PROCESSING	

10
JF

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

FILED

2008 JUL 16 4:21

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

E-FILING

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

YONG YI OU,

Defendant.

CR-08 00472

VIOLATIONS: 18 U.S.C. § 2320(a) -
Trafficking and Attempted Trafficking in
Counterfeit Goods; 18 U.S.C. §
1956(a)(2)(A) - Laundering of Monetary
Instruments; 18 U.S.C. §§ 2320(b)(3)(A)(i)
& (iii) - Criminal Forfeiture

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNTS ONE THROUGH THREE: (18 U.S.C. § 2320(a) - Trafficking in Counterfeit Goods)

On or about October 1, 2005, in the Northern District of California, the defendant,

YONG YI OU,

did intentionally traffic and attempt to traffic in goods, to wit, by offering counterfeit
trademarked merchandise, including handbags, for sale at the DeAnza Flea Market in Cupertino,
California, and did knowingly use counterfeit marks on and in connection with such goods, to
wit, "Louis Vuitton," "Prada," and "Chanel," among others, which counterfeit marks were
identical with and substantially indistinguishable from genuine marks in use and registered for
those goods on the principal register in the United States Patent and Trademark Office, and the

INDICTMENT

use of which marks was likely to cause confusion, and to cause mistake, as set forth in each of Counts One through Three, below:

COUNT	COUNTERFEIT ITEM
One	Louis Vuitton Handbag
Two	Black Prada Handbag
Three	Pink Chanel Handbag

All in violation of Title 18, United States Code, Section 2320(a).

COUNTS FOUR THROUGH TWENTY: (18 U.S.C. § 2320(a) - Attempted Trafficking in Counterfeit Goods)

On or about March 22, 2006, in the Northern District of California, the defendant,

YONG YI OU,

did intentionally attempt to traffic in goods, to wit, by possessing with intent to traffic counterfeit trademarked merchandise at her booth at the San Jose Flea Market, in San Jose, California, and did knowingly use counterfeit marks on and in connection with such goods, to wit, "Louis Vuitton," "Prada," and "Chanel," among others, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of which marks was likely to cause confusion, and to cause mistake, as set forth in each of Counts Four through Twenty, below:

COUNT	COUNTERFEIT ITEM
Four	Christian Dior Sunglasses
Five	Bebe T-Shirt
Six	Chanel Handbag
Seven	Nike Sunglasses
Eight	Louis Vuitton Wallet
Nine	Von Dutch Handbag
Ten	Ecko Jeans
Eleven	Gucci Handbag
Twelve	Prada Wallet

COUNT	COUNTERFEIT ITEM
Thirteen	Sanrio Watch
Fourteen	Tod's Purse
Fifteen	BMW Key Chain
Sixteen	Coach Wallet
Seventeen	Tiffany & Co. Charm
Eighteen	Prada Handbag
Nineteen	Fendi Wallet
Twenty	Hello Kitty Bag

All in violation of Title 18, United States Code, Section 2320(a).

COUNT TWENTY-ONE: (18 U.S.C. § 1956(a)(2)(A) - Laundering of Monetary Instruments)

On or about September 20, 2004, in the Northern District of California, the defendant,

YONG YI OU,

did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit: by depositing \$4,000.00 in currency which represented the proceeds of a specified unlawful activity, namely, trafficking in counterfeit goods in violation of 18 U.S.C. § 2320(a), into a bank account at East-West Bank, and wire transferring \$8,000.00 in funds to Industrial and Commercial Bank in Guangzhou, China, with the intent to promote the carrying on of specified unlawful activity, namely, trafficking in counterfeit goods, knowing full well at the time that the funds involved in the financial transaction were the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(2)(A).

FORFEITURE ALLEGATION: (18 U.S.C. §§ 2320(b)(3)(A)(i) & (iii) - Criminal Forfeiture)

1. The allegations contained in Counts One through Twenty of this Indictment are hereby realleged and by this reference fully incorporated here for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. §§ 2320(b)(3)(A)(i) & (iii).

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2. Upon conviction of any of the offenses alleged in Counts One through Twenty of this Indictment, the defendant,

YONG YI OU,

shall forfeit to the United States, pursuant to 18 U.S.C. § 2320(b)(3)(A)(i), any property constituting or derived from any proceeds the person obtained, directly or indirectly, as a result of the offense, including but not limited to \$8,000.00 in cash that represents the proceeds from the sale of counterfeit merchandise that was seized from the defendant's residence located at 10114 Vista Drive, No. 109, Cupertino, California, on March 22, 2006.

3. Upon conviction of any of the offenses alleged in Counts One through Twenty of this Indictment, the defendant,

YONG YI OU,

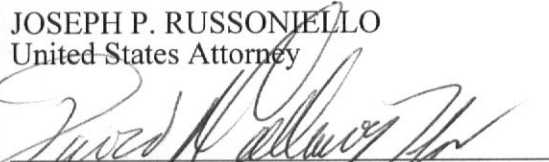
shall forfeit to the United States, pursuant to 18 U.S.C. § 2320(b)(3)(A)(iii), any article that bears or consists of a counterfeit mark used in committing the offense, including but not limited to the counterfeit items seized on March 22, 2006 from the following locations: the defendant's residence, located at 10114 Vista Drive, No. 109, Cupertino, California; the defendant's flea market booth located at the San Jose Flea Market, number 233, 590 Berryessa Road, San Jose, California; and the defendant's Chevy van bearing California license plate no. 5FRK877.


DATED: 7/16/08

A TRUE BILL.


FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney


MATTHEW A. PARRELLA
Chief, San Jose Branch Office

(Approved as to form: )

AUSA Susan Knight

INDICTMENT

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Cts 1-3:18 U.S.C. § 2320(a) - Trafficking in
 Counterfeit Goods; Cts 4-2: 18 U.S.C. § 2320
 (a) - Attempted Trafficking in Counterfeit Good
 Ct. 21: Int'l Money Laundering; Criminal
 Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:
 Cts 1-21: 10 years imprisonment, \$250,000 fine, 3 years
 supervised release, \$100 special assessment; Ct. 21: 20 years
 imprisonment, \$500,000 or twice the value of the funds involved,
 3 years supervised release, \$100 special assessment
PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 ICE - SA Tony Gregory

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM
JOSEPH P. RUSSONIELLO
☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Susan Knight

 Name of District Court and Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

Yong Yi Ou

RICHARD W. WIEKING
CLERKDISTRICT COURT, U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.**CR - 08 00472****JF****DEFENDANT****PVT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
 TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 c/o AFPD Nick Humy
 160 W. Santa Clara St., Suite 575
 San Jose, CA 95113

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time: August 7, 2008 at 9:30am

Before Judge: Magistrate Judge Trumbull

Comments: